

PROB. 12
(Rev. 3/88)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

U.S.A. vs. KINDAR GREEN

Docket No. 2:00CR20177-001

Petition on Probation and Supervised Release

COMES NOW FREDDIE MCMASTER II PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Kindar Green who was placed on supervision by the Honorable Bernice B. Donald sitting in the Court at Memphis, TN on the 18th day of January, 2002 who fixed the period of supervision at four (4) years*, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

The defendant shall submit to substance abuse testing and treatment as directed by the probation office.

The defendant shall pay \$3,093.00 restitution (\$3,068.00 balance).

*Term of Supervised Release began May 11, 2005.

On July 28, 2005, restitution payments were set by the Court at ten percent (10%) of Mr. Green's monthly gross income payable by the end of each month.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Please see attached sheet

PRAYING THAT THE COURT WILL ORDER a Summons be issued for Mr. Green to appear before the Honorable Bernice B. Donald to answer charges of violation of Supervised Release.

ORDER OF COURT

Considered and ordered this 9th day of January, 2006 and ordered filed and made a part of the records in the above case.

/S/ Judge Benice Bouie Donald
United States District Court

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2006
Freddie McMaster II
U.S. Probation Officer

Place: Memphis, Tennessee

PROB 12
Green, Kindar
Docket No. 2:00CR20177-001

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

THE DEFENDANT HAS VIOLATED THE FOLLOWING CONDITIONS OF SUPERVISED RELEASE:

The defendant shall notify the probation officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer.

Mr. Green failed to notify this officer of his arrest on November 25, 2005, for Domestic Assault.

The defendant shall refrain from any unlawful use of a controlled substance and the defendant shall not possess a controlled substance.

Mr. Green used a controlled substance as evidenced by his having voluntarily signed statements admitting to having used cocaine on July 31 and October 19, 2005. On November 1, 2005, he tested positive for cocaine.

The defendant shall submit to substance abuse testing and treatment as directed by the probation office.

On June 2, 2005, Mr. Green was referred to the Alcohol and Chemical Abuse Rehabilitation Center (ACAR) to begin drug testing and treatment. Between June 2, 2005, and December 7, 2005, he failed to attend six (6) drug screens and four (4) scheduled counseling sessions. On December 7, 2005, he was discharged from ACAR due to non-compliance.

VIOLATION WORKSHEET

1. Defendant Kindar Green 128 Appleton Memphis, TN 38109
2. Docket Number (Year-Sequence-Defendant No.) 2:00CR20177-001
3. District/Office Western District of Tennessee (Memphis)
4. Original Sentence Date 01 18 02
month day year

(If different than above):

5. Original District/Office _____
6. Original Docket Number (Year-Sequence-Defendant No.) _____
7. List each violation and determine the applicable grade {see §7B1.1}:

<u>Violation{s}</u>	<u>Grade</u>
<u>Failure to notify officer of arrest within 72 hours</u>	<u>C</u>
<u>Usage/possession of a controlled substance (cocaine)</u>	<u>C</u>
<u>Failure to participate in drug testing/treatment</u>	<u>C</u>
_____	_____
_____	_____
8. Most Serious Grade of Violation (see §7B1.1(b))	<u>C</u>
9. Criminal History Category (see §7B1.4(a)) ⁷⁴	<u>II</u>

10. Range of imprisonment (see §7B1.4(a))

4-10 months*

*Being originally convicted of a Class B felony, the statutory maximum term of imprisonment is 36 months; 18 U.S.C. §3583(e)(3).

11. Sentencing Options for Grade B and C violations Only (Check the appropriate box):

- ☒ (a) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c) (1) provides sentencing options to imprisonment.
- ☐ (b) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c) (2) provides sentencing options to imprisonment.
- ☐ (c) If the minimum term of imprisonment determined under §7B1.4(Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

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Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit

Restitution (\$)	<u>3,068.00</u>	Community Confinement	<u>N/A</u>
Fine (\$)	<u>N/A</u>	Home Detention	<u>N/A</u>
Other	<u>N/A</u>	Intermittent Confinement	<u>N/A</u>

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 {see §§7B1.3(g)(1)}.

Term: N/A to N/A years

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment impossible upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment {see 18 U.S.C. §3583(e) and §7B1.3(g)(2)}.

Period of supervised release to be served following release from imprisonment: _____

14. Departure

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

[illegible]

15. **Official Detention Adjustment {see §7B1.3(e)}:** months _____ days _____

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Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**